

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

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ROBERT ALLEN BAUTISTA,  
Plaintiff,  
v.  
GEXA ENERGY, LP and  
NEXTERA ENERGY, INC.,  
Defendants.

No. 3:24-cv-2920-E-BN

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**MOTION FOR LEAVE TO AMEND COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff, ROBERT ALLEN BAUTISTA, respectfully moves this Court for leave to amend the complaint in the above-referenced case pursuant to Rule 15 of the Federal Rules of Civil Procedure. In support of this motion, Plaintiff shows as follows:

**1. Background and Rationale for Amendment**

Plaintiff filed the original complaint in this case on [insert date of original complaint]. Since that time, Plaintiff has gathered additional facts and legal grounds that further support his claims against Defendants GEXA ENERGY, LP and NEXTERA ENERGY, INC. Plaintiff now seeks to amend the complaint to include further details regarding the fraudulent alteration of negotiable instruments, deceptive practices, and violations of both federal and state laws. The amendment also seeks to clarify and elaborate on the relief sought, as well as to assert claims of coercion and deprivation of Plaintiff's rights under the Uniform Commercial Code (UCC) and related statutes.

**2. Amendment is Timely and in the Interest of Justice**

The motion to amend is timely filed. The case is still in the early stages of litigation, and no significant discovery or dispositive motions have been filed. Plaintiff's request for leave to amend will serve the interest of justice by ensuring that all relevant claims and facts are fully and fairly presented to the Court. The amendments proposed are not intended to delay the proceedings but to provide a clearer and more complete record of Plaintiff's claims.

**3. No Prejudice to Defendants**

The proposed amendment will not cause undue prejudice to the Defendants. Defendants will have ample time to review the amended complaint and respond appropriately. The amendment clarifies Plaintiff's allegations but does not substantially alter the nature of the dispute, as it is based on the same core factual and legal assertions.

**4. Proposed Amended Complaint**

Attached as Exhibit A is the Amended Original Petition for Securities Fraud, Deprivation of Plaintiff's Rights, and Demand for Lawful Remedy. The Amended Petition includes:

- Additional details regarding the fraudulent alteration of the negotiable instrument.

- A more comprehensive statement of facts related to Defendants' deceptive misrepresentations and failure to honor bills of exchange.
- Specific references to the relevant provisions of the Texas Securities Act, the Securities Exchange Act of 1934, the Uniform Commercial Code, and federal statutes.
- A clearer articulation of Plaintiff's claims, including securities fraud and deprivation of rights, along with an expanded request for relief, including damages for emotional distress, financial harm, and punitive damages.

**5. Legal Standard for Granting Leave to Amend**

Under Rule 15(a) of the Federal Rules of Civil Procedure, leave to amend a pleading should be freely given when justice so requires. Courts generally favor allowing amendments to ensure that cases are resolved on the merits rather than on procedural technicalities. There is no indication that allowing the proposed amendment would result in undue delay, prejudice, or bad faith.

WHEREFORE, Plaintiff respectfully requests that this Court grant him leave to amend the complaint, as attached in Exhibit A, and for such other and further relief as this Court deems just and proper.

DATED this 9th day of January, 2025.

Respectfully submitted,

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**WITHOUT RECOURSE**

**WITHOUT PREJUDICE**

**ROBERT ALLEN BAUTISTA™**

**BY: /s/ Bautista, Robert-Allen / Agent**

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**Robert Allen Bautista / Attorney-In-Fact**

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion for Leave to Amend Complaint was served upon all counsel of record on this 9th day of January, 2025.

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**WITHOUT RECOURSE**

**WITHOUT PREJUDICE**

**ROBERT ALLEN BAUTISTA™**

**BY: /s/ Bautista, Robert-Allen / Agent**

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**Robert Allen Bautista / Attorney-In-Fact**